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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,207	02/06/2004	Vladimir Matena	04109.0004.NPUS01	6964
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Vladimir Matena 1322 Kentfield Ave Redwood City, CA 94061				
EXAMINER				
VEILLARD, JACQUES				
ART UNIT		PAPER NUMBER		
2165				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/774,207

**Applicant(s)**

MATENA ET AL.

**Examiner**

JACQUES VEILLARD

**Art Unit**

2165

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-118 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the Applicant's communication filed on 09/01/2004.
2. Claims 1-118 are pending and presented for examination.
3. The preliminary amendment filed on September 01, 2004 has been entered.

### ***Election/Restrictions***

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:  
Group I: claims 1-18, Group II: claims 19-24, Group III: claims 25-30, Group IV: claims 31-33, Group V: claims 34-38, Group VI: claims 39-43, Group VII: claims 44-118.
5. Group I (claims 1-18), set forth a method for processing transactions requests from a plurality of clients including communications module and routing the transaction using an execution transaction program, classified in class 709, subclass 203.
6. Group II (claims 19-24), set forth a method for processing transactions requests in a transaction system by obtaining a lock to prevent other transaction from accessing at least one transaction state, determining if at least a transaction state is not located, rolling back the process of the transaction, retrieving the at least one transaction state that not being located, and restarting the process of the transaction, classified in class 707, subclass 8.
7. Group III(claims 25-30), set forth a method for initiating a transaction processing system having at least two execution module by sending a start operation to an execution module as an active module, sending a second execution module as a

backup to the active execution module in order to create a transactional state items in the active transaction by retrieving information from a database module, classified in class 707, subclass 201.

8. Group IV (claims 31-33), set forth a method for failure recovery in a transaction processing system, by detecting a failure in an active transaction module, and processing at least one backup execution module that was creating corresponding to the failed active execution module to an active execution module, classified in class 714, subclass 6.

9. Group V(claims 34-38), set forth a method for updating an execution module in a transaction processing system wherein a new execution module starting as a replacement with a new version of transaction programs, classified in class 707, subclass 200.

10. Group VI (claims 39-43), set forth a method for processing transactions requests in a transaction system by submitting at least a first and second transaction request from at least one client to the communication module; modifying the value of a transactional state item with the first transaction, and specifying a read of a value of a transactional state item modified by the first transaction and beginning processing after the first transaction with the second transaction; a response to the communication module for the at least the second transaction from the active execution module being sent, classified in class 711, subclass 162.

11. Group VII(claims 44-118), set forth a transaction system containing logic configured to allow multiple clients to share access to the same transactional state item; a communication module, the communication module including routing logic configured to receive transaction requests and forward the transaction requests to an active execution module; wherein the logic configured to process transaction requests and access a transactional state item, classified in class 707, subclass 2.

12. The inventions are distinct, each from the other because of the following reasons: Inventions in Groups VII (claims 44-118), VI (claims 39-43), V (claims 34-38), IV (claims 31-33), III (claims 25-30), II (claims 19-24), and I (claims 1-18) are unrelated. Inventions are unrelated if it can be shown that they are not disclose as capable of use together and they are different modes of operation, different functions or different effects (see MPEP § 806.04 and § 808.01). In the instant case, the different inventions require different modes of operation. Group I requires a method for processing transactions requests in a transaction system by obtaining a lock to prevent other transaction from accessing at least one transaction state, determining if at least a transaction state is not located, rolling back the process of the transaction, retrieving the at least one transaction state that not being located, and restarting the process of the transaction, while Group II requires a method for processing transactions requests in a transaction system by obtaining a lock to prevent other transaction from accessing at least one transaction state, determining if at least a transaction state is not located, rolling back the process of the transaction, retrieving the at least one transaction state that not being located, and restarting the process of the transaction, Group III requires a method for

initiating a transaction processing system having at least two execution module by sending a start operation to an execution module as an active module, sending a second execution module as a backup to the active execution module in order to create a transactional state items in the active transaction by retrieving information from a database module, Group IV requires a method for updating an execution module in a transaction processing system wherein a new execution module starting as a replacement with a new version of transaction programs, Group VI requires a method for processing transactions requests in a transaction system by submitting at least a first and second transaction request from at least one client to the communication module; modifying the value of a transactional state item with the first transaction, and specifying a read of a value of a transactional state item modified by the first transaction and beginning processing after the first transaction with the second transaction; a response to the communication module for the at least the second transaction from the active execution module being sent, and Group VII requires a transaction system containing logic configured to allow multiple clients to share access to the same transactional state item; a communication module, the communication module including routing logic configured to receive transaction requests and forward the transaction requests to an active execution module; wherein the logic configured to process transaction requests and access a transactional state item.

13. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not

required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

14. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after

the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACQUES VEILLARD whose telephone number is (571)272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272- 4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. V./

Examiner, Art Unit 2165

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165